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REMARKS

This amendment is responsive to the Office Action mailed March 26, 2004 (Paper 13). Claims 1-16 and 19-21 are under examination in the present action. Claims 1-4, 6, 8, 11, 15, 16, 20 and 21 are listed as withdrawn from consideration. Claims 5, 7, 9, 10, 12-14 and 19 stand rejected.

Applicants have amended claim 1 of the present application to limit the scope of coverage consistent with the election of Group I as defined in the Office Action mailed November 13, 2002 (Paper No. 7). Applicants respectfully request that the withdrawal of claims 1, 2, 15, 16, 20 and 21 and the rejection of claims 5, 7, 9, 10, 12-14 and 19 be reconsidered and withdrawn.

1. Claims 1, 2, 15, 16, 20 and 21 were withdrawn by the Examiner from further consideration pursuant to 37 CFR 1.142(b) for being drawn to a non-elected invention, i.e. wherein $n1 = 0$. Applicants have amended the claims set so that claim 1 contains the limitation that $n1 = 1$. Applicants' prior amendment of claim 1, wherein $n1 = 0$, was a typographic error as evidenced in the Remarks section of Applicants' Reply Under 37 C.F.R. §1.111 submitted January 14, 2004. Applicants' intent was to amend the claims set so as to limit the scope of coverage so as to be consistent with the election of Group I, i.e. a compound containing an imidazobenzodiazepine ring. The present amendment

accomplishes that objective. Applicants contend that the amended claims set is now directed to an elected invention. Applicants respectfully request that the withdrawal of claims 1, 2, 15, 16, 20 and 21 be reconsidered and withdrawn.

Claim 14 was rejected as being drawn to an improper *Markush* group. Applicants submit that the *Markush* group recited in claim 14 is an acceptable alternative expression as provided for by MPEP §2173.05(h). The members of the subject *Markush* group all possess at least one property in common, i.e. an imidazo[1,2-c][1,4]benzodiazepine motif, which is responsible for their function as claimed. Applicants assert that the *Markush* group found in claim 14 is recited in the conventional manner provided for in MPEP §2173.05(h) and that each member of the *Markush* group is fully supported in the disclosure as required by MPEP §608.01(p). Applicants further contend that the members of the recited *Markush* group are sufficiently few in number as required by MPEP §803.02, even though they may be directed to independent and distinct inventions.

In an effort to advance the prosecution of this application, however, Applicants are proceeding on the assumption that the Examiner intended to reject claim 14 as directed to unelected invention, see MPEP §706.03(m). In response thereto, the Applicants have limited claim 14 to only those compounds containing an imidazobenzodiazepine

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ring. Applicants submit that claim 14 is now in accordance with the election of Group I as defined in the Office Action mailed November 13, 2002 (Paper 7). Applicants respectfully request that the rejection of claim 14 be reconsidered and withdrawn.

3. Applicants are grateful for the withdrawal of the rejection of claim 15 under 35 U.S.C. §112, first paragraph.

4. Applicants are grateful for the withdrawal of the rejection of claims 9, 10, 17 and 18 under 35 U.S.C. §112, second paragraph.

5. Applicants are grateful for the withdrawal of the rejection of claims 15 and 16 under the judicially-created doctrine of obvious-type double patenting.

6. Claims 5, 7, 9, 10, 12-14 and 19 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for "failing to point out and distinctly claim the subject matter which applicant [sic] regards as the invention."

6a). Claim 5 was rejected as lacking sufficient antecedent basis for the limitation "1" in the definition of n1. Applicants have amended claim 1 so that n1 = 1. Applicants contend that sufficient antecedent basis for claim 5 is now found in claim 1. As such, the rejection of claim 5 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 5 be reconsidered and withdrawn.

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6b). Claim 7 was rejected as lacking sufficient antecedent basis for the limitation "1" in the definition of n1. Applicants have amended claim 1 so that n1 = 1. Applicants contend that sufficient antecedent basis for claim 7 is now found in claim 1. As such, the rejection of claim 7 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 7 be reconsidered and withdrawn.

6c). Claim 9 was rejected as lacking sufficient antecedent basis for "imidazo[1,2-c]benzodiazepine" in the nomenclature of the species. Applicants have amended claim 1 so that n1 = 1, thus providing for a compound having an imidazo[1,2-c]benzodiazepine ring. Applicants contend that sufficient antecedent basis for claim 9 is now found in claim 1. As such, the rejection of claim 9 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 9 be reconsidered and withdrawn.

6d). Claim 10 was rejected as lacking sufficient antecedent basis for "imidazo[1,2-c]benzodiazepine" in the nomenclature of the species. Applicants have amended claim 1 so that n1 = 1, thus providing for a compound having an imidazo[1,2-c]benzodiazepine ring. Applicants contend that sufficient antecedent basis for claim 10 is now found in claim 1. As such, the rejection of claim 10 under 35 U.S.C. §112, second paragraph, is overcome. Applicants

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respectfully request that the rejection of claim 10 be reconsidered and withdrawn.

6e). Claim 12 was rejected as lacking sufficient antecedent basis for "imidazo[1,2-c]benzodiazepine" in the nomenclature of the species. Applicants have amended claim 1 so that $n1 = 1$, thus providing for a compound having an imidazo[1,2-c]benzodiazepine ring. Applicants contend that sufficient antecedent basis for claim 12 is now found in claim 1. As such, the rejection of claim 12 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 12 be reconsidered and withdrawn.

6f). Claim 13 was rejected as lacking sufficient antecedent basis for "imidazo[1,2-c]benzodiazepine" in the nomenclature of the species. Applicants have amended claim 1 so that $n1 = 1$, thus providing for a compound having an imidazo[1,2-c]benzodiazepine ring. Applicants contend that sufficient antecedent basis for claim 13 is now found in claim 1. As such, the rejection of claim 13 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 13 be reconsidered and withdrawn.

6g). Claim 14 was rejected as lacking sufficient antecedent basis for "imidazo[1,2-c]benzodiazepine" in the nomenclature of the species. Applicants have amended claim 1 so that $n1 = 1$, thus providing for a compound having an

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imidazo[1,2-c]benzodiazepine ring. Applicants contend that sufficient antecedent basis for claim 14 is now found in claim 1. As such, the rejection of claim 14 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 14 be reconsidered and withdrawn.

6h). Claim 19 was rejected as lacking sufficient antecedent basis for "imidazo[1,2-c]benzodiazepine" in the nomenclature of the species. Applicants have amended claim 1 so that $n1 = 1$, thus providing for a compound having an imidazo[1,2-c]benzodiazepine ring. Applicants contend that sufficient antecedent basis for claim 19 is now found in claim 1. As such, the rejection of claim 19 under 35 U.S.C. §112, second paragraph, is overcome. Applicants respectfully request that the rejection of claim 19 be reconsidered and withdrawn.

Applicants respectfully submit that the pending claims are in a condition for allowance and notification to that effect is earnestly solicited. Examiner Coleman is invited to telephone Applicants' attorney at (508) 478-0144 to facilitate prosecution of this application. Please apply any charges or credits to Deposit Account No. 50-0590

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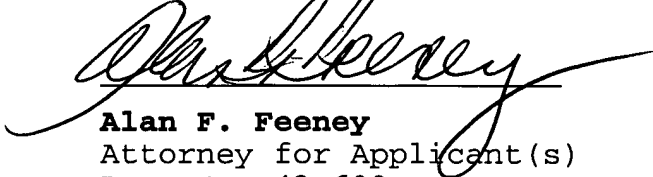
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Respectfully submitted,



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